

MARCIA M. WALDRON  
CLERK

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1/10/01  
**UNITED STATES COURT OF APPEALS**  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

TELEPHONE  
215-597-2995

Middle-Harrisburg Clerk of District Court  
(District)

Date 8/31/01

Allen vs. Aschcroft  
(Caption)

C. of A. No. 01-1909

(Appellant)

00-005-01460 7/Car  
(D.C. No.)

**RECEIVED**  
HARRISBURG, PA

SEP 04 2001

MARY E. D'ANDREA, CLERK  
Per 310

Enclosures:

August 31, 2001  
(Date)

Certified copy of C. of A. Order by the Court Clerk

Released (Record) (Supplemental Record - First - Second - Third)

X

Copy of this form to acknowledge receipt and return to C. of A.

Record not released at this time until appeal(s) closed at No.(s)

Please forward Certified List in Lieu of Record to this office.

The certified copy of order issued as the mandate on \_\_\_\_\_  
is recalled.

Hayle Burr  
Deputy Clerk

(267)-299- 4921  
Telephone Number

Receipt Acknowledge:

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(Name)

8-9-01  
(Date)

Rev. 3/13/00

Appeals (Certified List in Lieu of Record)

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

May 30, 2001  
#B-102

No. 01-1909

OSAMA ALLAN, Petitioner

v.

JOHN ASHCROFT, Attorney General of the United States  
(Board of Immigration No. A42-516-624)

FILED  
HARRISBURG

SEP 04 2001

MARY E. D'ANDREA,  
Per. gjk  
DEPUTY CLERK

Present: SCIRICA, ROTH and McKEE, Circuit Judges

1. Motion by Petitioner, Osama Allen, for Stay of Removal;
2. Motion by Respondent to Dismiss Appeal, to Deny the Motion for Stay of Removal, and to Hold Briefing and Filing of the Administrative Record in Abeyance;
3. Letter dated May 23, 2001 from Respondent Withdrawing the Portion of its Motion Requesting that the Court Hold the Filing of the Administrative Record in Abeyance;
4. Response by Petitioner to Motion by Respondent to Dismiss Appeal which the Court may also wish to construe as Motion to Remand Case to District Court with Instructions to Adjudicate the Constitutional Claims Raised in Petitioner's Habeas Action.

Nicole M. Bruno  
Nicole M. Bruno  
Case Manager (267) 299-4924

ORDER

The foregoing

MATTER REMANDED TO DISTRICT COURT WHICH SHALL TREAT CASE AS HABEAS PETITION UNDER § 2241, NOT AS CHALLENGE TO REMOVAL UNDER 1252(g)

A True Copy:

Marcia M. Waldron  
Marcia M. Waldron,  
Clerk

By the Court,

[Signature]  
Circuit Judge

Dated: Aug 31 2001

gjk/cc: SLG  
MDL 2  
MDL 2